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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.700 OF 2004

United India Insurance Co.Ltd. .. Appellant
Versus
Iqbal Singh Chanda Singh gill and Anr. Respondents

Mrs.V.M.Sawant for appellant
Mr.M.B.Kotak for respondent

CORAM : P.V.KAKADE, J.
DATE : 2ND NOVEMBER, 2004.

P.C.:

1. This is an appeal preferred against the Judgment and Order passed by the Commissioner of Workmen's Compensation and Judge 3rd Labour Court, Mumbai dated 15.11.2992 directing the Appellant Insurance Company to pay amount of Rs.54,390/= with 10% interest from 7.7.1989 till its final realisation and also with direction to pay interest on the amount of Rs.33,590/= at the rate of 10% from 7.7.1989 till 3.10.1994. The appeal is preferred against this order by the Insurance Company.

2. At the stage of admission it is pointed on behalf of the respondent that by virtue of full bench judgment of Karnataka High Court reported in 2004 ACJ 1000 in the case of Kavitha Dilip Patil and ors. vs. Ananda Gnanu Patil and Anr, wherein it is held that the defences available to Insurance Company would be restricted only if it is covered by Section 149(2) of Motor Vehicles Act, therefore it is obvious that the appeal is not maintainable in law as such it has to be dismissed in limine. The appeal stands dismissed in limine.

3. Parties to act on a copy of this order duly authenticated.